

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

NORMA ROGERS, ARTHUR ROGERS,)
and WILLIAM HALE,)
Plaintiffs,)
v.) Case No. 19-3346
DOUGLAS GASTON, BOBBY DUNCAN,)
JOHN DOES 1-3,)
and JANE DOES 1-3,)
Defendants.)

PLAINTIFFS' MOTION FOR AMENDED RULE 16 ORDER

Plaintiffs respectfully request the Court enter an amended Rule 16 order allowing the parties to file a joint proposed scheduling order on or before November 6, 2020. In support of their motion, Plaintiffs state:

1. Plaintiffs initial complaint in this case named Gaston as well as unidentified defendants John Does 1-3 and Jane Does 1-3. ECF No. 1.
2. Defendant Gaston filed a motion to dismiss on December 13, 2019. ECF No. 8.
3. A Rule 16 Order was entered by this Court on February 20, 2020. ECF No. 14.
4. A Joint Proposed Scheduling Plan was submitted to the Court on April 1, 2020. ECF No. 15.
5. Defendant Gaston's motion to dismiss was denied on April 7, 2020. ECF No. 16.
6. Initial disclosures were provided by the named parties and Plaintiffs served first interrogatories on Defendant Gaston on May 7, 2020. ECF Nos. 17, 20, 21.
7. On June 26, 2020, Plaintiffs moved to amend the complaint to add an individual

defendant (Bobby Duncan) who was identified by Defendant Gaston's written discovery responses. ECF No. 24. While Defendant Gaston's interrogatory responses identified Defendant Duncan, they failed to reveal the identities of the other remaining unnamed Doe Defendants. Several defendants, therefore, are identified in the alleged factual allegations yet their identities remain unknown to Plaintiffs and further discovery is required to determine their identities.

8. A First Amended Complaint, naming Defendant Duncan, was filed on June 29, 2020. ECF No. 26.

9. Defendant Duncan filed a motion to dismiss on July 21, 2020. ECF No. 31.

10. Defendant Duncan's counsel has informed Plaintiffs' counsel that she will likely represent any additional individual defendants who are added to this case.

11. Defendant Gaston filed another motion to dismiss the first amended complaint on July 27, 2020. ECF No. 34.

12. The motions to dismiss the first amended petition are pending.

13. Plaintiffs require additional time to determine the identities of the unnamed Doe Defendants. Counsel for Plaintiffs and counsel for Defendant Duncan are working amicably in an effort to identify the proper defendants.

14. No scheduling order has been entered in this case.

15. Plaintiffs request that this Court enter a new Rule 16 Order and allow the parties an additional thirty days, up to and including November 6, 2020, to file a new joint proposed scheduling order.

16. Counsel for Defendant Duncan consents to this request.

17. This request will allow Plaintiffs to identify the additional Defendant Does and seek leave to file a second amended complaint. It will also allow counsel for the Defendant Does

to participate in crafting the joint proposed scheduling order.

WHEREFORE, Plaintiffs respectfully requests this Court enter an amended Rule 16 Order allowing the parties additional time, up to and including November 6, 2020, to file an amended joint proposed scheduling order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically and served by operation of the CM/ECF system on all counsel of record on October 7, 2020.

/s/ Anthony E. Rothert